



JULY 17 2006
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PATENT & TRADEMARK OFFICE

PATENT
Attorney Docket No.: MONT-047/02US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David W. PASCUAL

) Confirmation No.: 7809

Application No.: 10/660,787

) Group Art Unit: 1633

Filed: September 12, 2003

) Examiner: Anne M.S. Wehbe

For: M CELL DIRECTED VACCINES

)

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

RESTRICTION REQUIREMENT TRANSMITTAL

Transmitted herewith is an Amendment and Response to the Restriction Requirement Office in response to the Office Action dated June 15, 2006 (next business day rule applicable).

Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: **\$0.00**

If an additional extension of time is required, please consider this a Petition therefor.

- An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Constructive Petition: Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1283. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: July 17, 2006

Respectfully submitted,
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RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 C.F.R § 1.115

This paper is responsive to the Restriction Requirement dated June 15, 2006 (next-business-day practice applies since July 15, 2006 falls on a Saturday).

Remarks including the Response to Restriction Requirement begin on page 2 of this paper.